



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AGOURON PHARMACEUTICALS, INC.
10350 NORTH TORREY PINES ROAD
LA JOLLA, CA 92037

COPY MAILED

AUG 1 6 2004

OFFICE OF PETITIONS

In re Application of :
Suzanne Benedict et al :
Application No. 10/754,171 : DECISION ON PETITION
Filed: January 9, 2004 : UNDER 37 CFR 1.181
Attorney Docket No. PC25144A :

This is in response to the request for a "Corrective Filing Receipt," filed June 28, 2004, which is being treated as a petition under 37 CFR 1.181.

The petition is dismissed.

Petitioner requests a corrected updated Filing Receipt to include domestic priority data; i.e., priority benefits under 35 U.S.C. § 119(e) to provisional Application No. 60/439,396, filed January 9, 2003.

However, issuance of a corrected Filing Receipt is not appropriate herein at this time since the continuity claimed under 35 U.S.C. § 119(e) was not filed during the required time period as set out in 37 CFR 1.78(a)(5)(ii). Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority under 37 CFR 1.78(a)(6).

Additionally, the claim for priority to the provisional application under 35 U.S.C. § 119(e) must be included as an amendment to the first line of specification complying with 37 CFR 1.121 and in a separate communication (note 37 CFR 1.4(c)) or in an Application Data Sheet in accordance with 37 CFR 1.76(b)(6).

Further correspondence with respect to this matter should be addressed as follows:


By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306¹
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.


Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Effective approximately September 28, 2004, the facsimile number will be 571-273-0025, which is when the Office of Petitions expects to move to the new quarters in Alexandria, Virginia. However, this number is not to be used for submitting formal papers, but merely is to be used for receiving courtesy and informal papers and petitions to withdraw from issue only. Courtesy and informal papers will not be made a part of the file record.